

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH J. BENZ,

Defendant.

**4:13CR3121**

**MEMORANDUM AND ORDER**

Defendant orally moved for additional time to prepare for trial because he needs additional time to investigate this case and to confer with his retained expert on whether medication side effects impacted the defendant's behavior. The motion is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion for additional time is granted.
- 2) A telephonic conference with the undersigned magistrate judge will be held on **August 19, 2014 at 9:00 a.m.** to discuss trial scheduling. The defendant, defense counsel, and counsel for the government shall participate in the call. The court will provide call in information to attend the conference call.
- 3) Based upon the representations of defense counsel, the Court further finds that the ends of justice will be served by continuing the trial setting; and that the purposes served outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and August 19, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7).

May 13, 2014.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge